

**REVISED PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA**

GP03-07-01. General Plan amendment to change the Land Use/Transportation Diagram designation from Medium Low Density Residential (8 Dwelling Units per Acre (DU/AC)) to Medium Density Residential (8-16 DU/AC) for a project located at the east side of McLaughlin Avenue from approximately 50 feet northerly of Candia Drive to approximately 350 feet northerly of Candia Drive; Assessors Parcel No's. 499-19-029, 499-19-030, 499-19-031 on 2.5-gross acres. (Bob & Rajinder Dhillon, Owner/Gary Schoennauer, Applicant). Council District: 7.

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 500 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **March 17, 2003**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **February 25, 2003** and ends on **March 17, 2003**.

A public hearing on the project described above is tentatively scheduled for the Planning Commission on March 17, 2003 at 6:00 p.m. in the City of San Jose Council Chambers, 801 N. First Street, San Jose, CA 95110. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 801 N. First Street, Room 400, San Jose, CA 95110. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 180 W. San Carlos Street, and the Evergreen Branch Library, 2635 Aborn Road, San Jose, 95121 and online at www.ci.san-jose.ca.us/planning/sjplan/eir/Ndenv.htm. Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call Dave Tymn at (408) 277-8532.

Stephen M. Haase, AICP, Director
Planning, Building and Code Enforcement

Date: _____

Deputy

**DRAFT
MITIGATED NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

PROJECT FILE NUMBER: GP03-07-01

PROJECT DESCRIPTION: General Plan amendment to change the Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to Medium Density Residential (8-16 DU/AC) (0.9 acres).

PROJECT LOCATION & ASSESSORS PARCEL NO.: East side of McLaughlin Avenue approximately 100 feet northerly of Candia Drive; Assessors Parcel No. 449-19-029

COUNCIL DISTRICT: 7; Terry Gregory

NAME OF APPLICANT:

Mr. Anthony Ho/Miro Design Group

MAILING ADDRESS AND PHONE NO. OF APPLICANT CONTACT PERSON:

969 Ivory Creek Drive, San Jose, CA 95120

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

1. Urban Design Policy #1: The City should continue to apply strong architectural and site design controls on all types of development for the protection and development of neighborhood character and for the proper transition between areas with different types of land uses.

2. Urban Design Policy #6: Proposed structures adjacent to existing residential areas should be architecturally designed and sited to protect the privacy of the existing residences.
3. Urban Design Policy #22: Design guidelines adopted by the City Council should be followed in the design of development projects.
4. Earthquake Policy #1: The City should require that all new buildings be designed and constructed to resist stresses produced by earthquakes.
5. Soils and Geologic Conditions Policy #8: Development proposed within areas of potential geological hazards should not be endangered by, nor contributes to, the hazardous conditions on the site or on adjoining properties.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **February 18, 2003**, any person may:

- (1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
- (2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND; or
- (3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 801 North First Street, San Jose, Room 400 and include a \$50 filing fee. The written protest should make a "fair argument" based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft MND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: _____

Deputy

Adopted on: _____

Deputy